



The United States Army Corps of Engineers (Corps) moves pursuant to Local Civil Rule 9.4(b) for leave of Court to file an overlength memorandum not to exceed 35 doubled spaced pages exclusive of title and signature pages, in opposition to Plaintiffs' Motion for Preliminary Injunction. Defendants have not been successful in contacting Plaintiffs about this motion. The grounds for the motion are as follows:

1. The Corps is filing a memorandum in opposition to Plaintiffs' Motion for Preliminary Injunction. Plaintiffs have raised various challenges to a Corps section 404 permit, which involves a large administrative record and consideration of complex federal statutes and state regulatory actions. Additional pages are required to fully address the legal issues involved.
2. A full legal analysis of the issues will assist the Court in resolution of the issues presented.

Therefore, it is respectfully requested that the Court grant the Corps leave to file an overlength brief not to exceed 35 doubled spaced pages exclusive of title and signature pages, in opposition to Plaintiffs' Motion for Preliminary Injunction.

October 6, 2008

Respectfully submitted,

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